

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

RAY VILLA,

Defendant and Appellant.

D044219

(Super. Ct. No. SCE231622)

APPEAL from a judgment of the Superior Court of San Diego County, Christine K. Goldsmith, Judge. Affirmed.

A jury convicted Ray Villa of causing bodily injury to another while driving under the influence of alcohol and/or drugs. (Veh. Code, § 23153, subd. (a).) Villa admitted a prior strike and serving a prior prison term. The court struck the prior strike and sentenced him to prison for two years four months: the 16-month lower term for causing injury while driving under the influence enhanced one year for the prior prison term.

FACTS

At approximately 3:45 p.m. on June 6, 2003, the pickup truck Villa was driving east on Interstate 8 hit the rear end of the car Jacqueline Bonner was driving. Bonner had slowed for traffic just before the collision. Bonner was injured. A highway patrol officer who responded noticed that Villa was slow and deliberate, had droopy eyes, and smelled of alcohol. Villa told the officer he had consumed one quart of beer at noon and had a methadone treatment at 11:00 a.m. that morning. Villa performed poorly on all of the field sobriety tests. He registered a blood/alcohol level of between .04 and .05 percent on two breath tests administered at the scene. After his arrest, his blood was tested and found to contain codeine and morphine that do not metabolize into or from methadone. A toxicologist testified the amount of the methadone and opiate drugs in Villas's blood exceeded the toxic level and was consistent with impairment.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible but not arguable issues whether the trial court erred in including CALJIC No. 2.03 in instructions.

We granted Villa permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386

U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Villa on this appeal.

DISPOSITION

The judgment is affirmed.

McINTYRE, J.

WE CONCUR:

NARES, Acting P. J.

AARON, J.